

103^D CONGRESS
2^D SESSION

S. 2237

To amend the Immigration and Nationality Act to strengthen the criminal offenses and penalties for the smuggling of aliens.

IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, JUNE 7), 1994

Mr. GRAHAM introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to strengthen the criminal offenses and penalties for the smuggling of aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alien Smuggling Act
5 of 1994”.

6 **SEC. 2. CRIMINAL PENALTIES FOR SMUGGLING.**

7 (a) STRENGTHENING OF SMUGGLING OFFENSE.—

8 Section 274(a)(1)(A) of the Immigration and Nationality

9 Act (8 U.S.C. 1324(a)(1)(A)) is amended to read as fol-

10 lows:

1 “(A) knowing that a person is an alien—

2 “(i) brings to or attempts to bring to the
3 United States, in any manner whatsoever or at
4 any place whatsoever, such person (other than
5 a person who has received prior official author-
6 ization to come to, enter, or reside in the Unit-
7 ed States), knowing or in reckless disregard of
8 the fact that such coming to or entry is or will
9 be in violation of law, or

10 “(ii) brings to or attempts to bring to the
11 United States, in any manner whatsoever, such
12 person at a place other than a designated port
13 of entry or place other than as designated by
14 the Commissioner, regardless of whether such
15 alien has received prior official authorization to
16 come to, enter, or reside in the United States
17 and regardless of any future official action
18 which may be taken with respect to such
19 alien;”.

20 (b) ENHANCED PENALTY FOR SMUGGLING.—Section
21 274(a)(1) of the Immigration and Nationality Act (8
22 U.S.C. 1324(a)(1)) is amended by striking “shall be
23 fined” and all that follows and inserting the following:
24 “shall—

1 “(i) in the case of a violation of subparagraph
2 (A)(i), be fined in accordance with such title, or im-
3 prisoned not more than ten years, or both, or

4 “(ii) in the case of any violation of subpara-
5 graph (A)(ii), (B), (C), or (D), be fined in accord-
6 ance with title 18, United States Code, or impris-
7 oned not more than five years, or both,
8 for each alien in respect to whom such violation occurs.”.

9 (c) REPEAT OFFENSES.—Section 274(a)(2)(B) of
10 such Act is amended by inserting “(or, in the case of an
11 offense described in clause (ii), ten years)” after “five
12 years”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to offenses occurring on or after
15 the date of enactment of this Act.

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